OIPE IAP12 OCT 25 2006 PATENT & TRADEMARK OFFICE

38-15(52054)B

COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

A. This declaration is for an original application.

B. My residence, post office address and citizenship are as stated below next to my name.

C. I believe I am an original and first inventor of the subject matter that is claimed and for which a patent is sought on the invention titled, **Transgenic Plants with Improved Phenotypes,** the specifications of which were filed on 10/02/2003 **as Serial No. 10/679,063 and Docket Number 38-15(52054)B,** with a substitute specification submitted on 10/25/2006.

D. I hereby state that I have reviewed and understand the contents of the above-identified specification and amendment thereto.

E. I acknowledge the duty to disclose information that is material to patentability as defined in 37 C.F.R. § 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior applications and the national or PCT application filing date for the continuation-in-part application.

F. I hereby claim the benefit under 35 U.S.C. § 119(e) of United States provisional application:

Serial No. 60/415,758 filed October 2, 2002

G. I hereby appoint the practitioners associated with **Customer Number: 27161** as my attorneys and agents to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith.

H. **DECLARATION:** I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Inventor's Signature _____ Date 10/25/06

Michael D. Edgerton

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